

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

**DON KING PRODUCTIONS, INC.**  
Plaintiff

v.

**JUAN CARLOS RODRÍGUEZ, HIS WIFE  
JANE DOE DE RODRÍGUEZ AND THE  
CONJUGAL PARTNERSHIP BETWEEN  
THEM, D/B/A "EL WATUSI", ET ALS.**  
Defendants

**CIVIL NO.: 05-1589 (JAF)**

**RE: CIVIL ACTION**

**DEFAULT JUDGMENT AGAINST DEFENDANTS JOSÉ RIVERA, INDIVIDUALLY  
AND IN REPRESENTATION OF THE CONJUGAL PARTNERSHIP BETWEEN HIM  
AND HIS WIFE JANE DOE DE RIVERA D/B/A DENNISSE CAFÉ; AND JOSEAN  
ROMÁN, INDIVIDUALLY AND IN REPRESENTATION OF THE CONJUGAL  
PARTNERSHIP BETWEEN HIM AND HIS WIFE JANE DOE DE ROMÁN D/B/A  
DONDE PICA EL PEJE**

On October 31 2005, Don King Productions, Inc. filed an amended complaint against, **José Rivera, individually and in representation of the conjugal partnership between him and his wife Jane Doe de Rivera d/b/a Dennis Café; and Josean Román, individually and in representation of the conjugal partnership between him and his wife Jane Doe de Román d/b/a Donde Pica El Peje.** The lawsuit charged the Defendants with a violation of Section 705 of the Federal Communications Act of 1934, as amended, 47 U.S.C. § 605 (the "Statutes").

Upon the failure of Defendants, **José Rivera, individually and in representation of the conjugal partnership between him and his wife Jane Doe de Rivera d/b/a Dennis Café; and Josean Román, individually and in representation of the conjugal partnership between him and his wife Jane Doe de Román d/b/a Donde Pica El Peje** to timely file an answer or any other responsive pleading, plaintiff filed and requested that a default be entered against defendants.

On February 17, 2006, the Court entered default against the Defendants **José Rivera, individually and in representation of the conjugal partnership between him**

**and his wife Jane Doe de Rivera d/b/a Dennis Café; and Josean Román, individually and in representation of the conjugal partnership between him and his wife Jane Doe de Román d/b/a Donde Pica El Peje.**

On May 1, 2006, plaintiff filed a Motion Requesting Judgment by Default, Memorandum of Law in Support thereof and exhibits thereto.

After careful consideration of the Motion Requesting Judgment by Default, Memorandum of Law in Support thereof and exhibits thereto, the relevant statutory authority on damages, 47 U.S.C. §605 et seq., the Court finds as follows:

The Plaintiff established through competent evidence that damages are appropriate as a result of Defendants illegal misappropriation of Plaintiff's transmission. The evidence established through Mr. Skip Klauber's affidavits and the investigators, Messrs. Adelaida Garcia and Saul Feliciano, affidavits clearly establish willful violation of the Communications Act of 1934, as amended, 47 U.S.C. §605 (a)(3)(C)(i) and 47 U.S.C. §605(a)(3)(C)(ii), for the direct or indirect commercial benefit of the Defendants.

In an effort to discourage and punish Defendants for the violations, the Court shall assess damages for the actual costs of the license had it been procured the day of the fight plus flat statutory damages under 47 U.S.C. §605 (a)(3)(C)(i) and 47 U.S.C. §605(a)(3)(C)(ii) plus attorney's fees and costs. The Court notes, however, that should the Defendants further violate the Communications Act the Court will consider imposing the maximum amount of damages of One Hundred Thousand Dollars (\$100,000.00).

After careful considering the Motion for Default Judgment, the Affidavits in support of the instant Motion for Entry of a Default Judgment, Memorandum of Law in Support of Default Judgment and exhibits thereto, the entire Court record herein, after due consideration, and noting no response to the Motion for Default Judgment filed May 1, 2006 it is

**ORDERED and ADJUDGED** as follows:

1. This Court has personal jurisdiction over the parties and the subject matter herein;
2. The Defaults entered by the United States District Court of Puerto Rico against the Defendants **José Rivera, individually and in representation of the conjugal partnership between him and his wife Jane Doe de Rivera d/b/a Dennis Café;** and **Josean Román, individually and in representation of the conjugal partnership between him and his wife Jane Doe de Román d/b/a Donde Pica El Peje** are hereby approved and ratified;
3. Default Judgment is hereby entered in favor of the Plaintiff, DON KING PRODUCTIONS INC., against **José Rivera, individually and in representation of the conjugal partnership between him and his wife Jane Doe de Rivera d/b/a Dennis Café;** and **Josean Román, individually and in representation of the conjugal partnership between him and his wife Jane Doe de Román d/b/a Donde Pica El Peje** and Plaintiff shall recover the amount of \$44,900.00, as detailed below, together with statutory interest thereon from the date of this Order of Default Judgment, for which let execution issue:
  - A. As for Defendants **José Rivera, individually and in representation of the conjugal partnership between him and his wife Jane Doe de Rivera d/b/a Dennis Café:**
    - a. Statutory damages pursuant to 47 U.S.C. §605 (a)(3)(C)(i) in the amount of \$10,000.00 plus \$900.00, representing the actual costs of the license had it been legally procured the day of the fight, for a total in the amount of \$10,900.00;

- b. Statutory damages pursuant to 47 U.S.C. §605(a)(3)(C)(ii) as a result of Defendants committing such acts willfully and for direct or indirect commercial advantage in the amount of \$10,000.00;
- c. Attorney's fees in the amount of \$1,400.00 and costs in the amount of \$375.00, for a total attorney's fees and costs of \$1,775.00.

B. As for Defendants **Josean Román, individually and in representation of the conjugal partnership between him and his wife Jane Doe de Román d/b/a Donde Pica El Peje:**

- a. Statutory damages pursuant to 47 U.S.C. §605 (a)(3)(C)(i) in the amount of \$10,000.00 plus \$450.00, representing the actual costs of the license had it been legally procured the day of the fight, for a total in the amount of \$10,450.00;
- b. Statutory damages pursuant to 47 U.S.C. §605(a)(3)(C)(ii) as a result of Defendants committing such acts willfully and for direct or indirect commercial advantage in the amount of \$10,000.00;
- c. Attorney's fees in the amount of \$1,400.00 and costs in the amount of \$375.00 for a total attorney's fees and costs of \$1,775.00.

DONE AND ORDERED in San Juan, Puerto Rico this 10th day of May, 2006.

S/JOSE ANTONIO FUSTE

---

Honorable José A. Fusté  
United States District Court Judge